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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 ERIC MESI et al.,

8 Plaintiffs,

9 vs.

10 U.S. BANK NATIONAL ASSOCIATION et
11 al.,

12 Defendants.

3:15-cv-00555-RCJ-WGC

ORDER

13 Eric and Fred Mesi obtained a loan from Washington Mutual Bank for \$280,334, secured
14 by a deed of trust. The property was later transferred to Betty and Fred Mesi. The deed of trust
15 was transferred to Bank of America. On February 4, 2014, Plaintiffs sued Defendants in Nevada
16 state court for wrongful foreclosure, declaratory relief, unfair business practices, and to quiet title
17 and cancel instruments. On October 13, 2015, Plaintiffs filed an Amended Complaint which
18 asserted various violations of state and federal law. Defendant JP Morgan Chase Bank (“Chase”)
19 removed the case to this Court. The Court then granted Defendants’ motions to dismiss, with
20 leave to amend in part no later than April 9, 2016, and denied Plaintiffs’ motion for summary
21 judgment. Plaintiffs appealed without amending, and the Ninth Circuit dismissed for lack of
22 jurisdiction. In June 2016, after the mandate issued, the Court denied a motion to reconsider that
23 had been filed and fully briefed in the meantime. In July 2017, after more than a year with no
24 filings by any party, the Court closed the case and entered judgment in favor of Defendants.

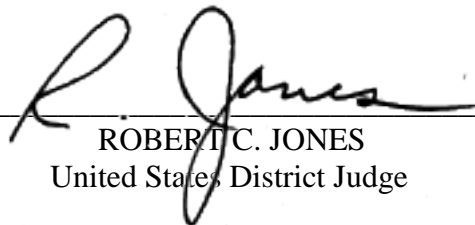
1 On August 11, 2017, Plaintiffs moved to “dismiss the judgment and reopen the case.”
2 (ECF Nos. 69, 70.) The Court denied the motion, finding that Plaintiffs had failed to identify any
3 proper basis for disturbing the judgment, whether under Federal Rule of Civil Procedure 59 or
4 60. (*See* Order, ECF No. 78.) Since that time, Plaintiffs have filed four additional motions, two
5 of which invoke Federal Rule of Appellate Procedure 35 and request en banc review of the
6 Court’s orders, (ECF Nos. 80, 84), one of which requests that Defendants’ responses to the
7 motions under FRAP 35 be stricken, (ECF No. 88), and one of which seeks to remedy an alleged
8 Fourteenth Amendment violation by Defendants, (ECF No. 96). The Court has reviewed
9 Plaintiffs’ various motions and finds them to be procedurally improper and legally frivolous.
10 Moreover, Plaintiffs’ motions repeat many of the same points raised in earlier filings, and do not
11 articulate a cognizable basis for amending, altering, or otherwise granting relief from the final
12 judgment in this case.

13 Therefore, Plaintiffs’ motions must be denied. The Court further cautions Plaintiffs that
14 the continued filing of baseless or improper motions in this closed case may subject them to the
15 imposition of sanctions.

16 CONCLUSION

17 IT IS HEREBY ORDERED that the motions (ECF Nos. 80, 84, 88, 96) are DENIED.

18 IT IS SO ORDERED. February 14, 2018.

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22 ROBERT C. JONES
23 United States District Judge
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